



A
VINDICATION
OF THE
Earl of *Nottingham*, &c.



A

INDICATION



East of Nottingham &c.

A
VINDICATION
OF THE
Earl of ^{Finch (D.)} Nottingham
FROM THE
VILE IMPUTATIONS,
AND
Malicious Slanders,
WHICH
Have been cast upon HIM in some
late PAMPHLETS.



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A
 VINDICATION
 OF THE
 FACTS OF THE
 FROM THE
 VILIPENDIUMS
 AND



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P R E F A C E.

THE Title-Page sufficiently shews the Design of the following Papers, so that there may seem to be no Occasion for any farther Preface. But since they were written almost a Year ago, and may be thought for that Reason to be in a good Measure out of Date, I apprehend it necessary to say something of the Reason why they were written at first, why they were afterwards suppress'd, and why they are Published now.

About a Year and a half ago, there appeared a little Pamphlet, Entituled, Observations upon the State of the Nation, in January 171 $\frac{2}{3}$. It had not long been Published, when it was noised about, that these Observations were written by the Earl of Nottingham. That Rumour was so universally believed, that the Examiner, and De Foe, set their Pens at work in several Papers to treat the reputed Author in a very scurrilous Manner for Writing them. Other lesser Pamphleteers made their Court likewise to the Ministry, by pretending to Answer that Pamphlet. I expected a good while to see something said in Defense of it, either by that Noble Lord, upon whom it was fathered; or, if he was not the Author, by the Author

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him.

himself whoever he was. Finding at last that no Body concerned themselves about it, I enquired whether that Great Man was really the Author of these Observations, or not ; when I was assured that he disowned having any Hand in them, I soon guess'd the Reason of the Silence : And believed, that when that nameless Pamphlet was Publickly deny'd to be his by his Friends, the real Author purposely avoided out of Respect to His Lordship (for whom it is evident he had a very great Regard) to blow up those Coals, which were to Appearance pretty well extinguished.

At last, without examining into the particular Reasons of the Silence of this Observator, I resolv'd to search into the Merits of this Controversy my self. I read the Observations over again once more. I read likewise the Examiners and Reviews that related to this Matter, and the other express Answerers with Care ; and upon the whole was convinced, that what was laid down in those Observations, was in the main Just and Reasonable ; and then I drew up the following Defense. I had not formerly been a Stranger to His Lordship's Character, and to Publick Transactions in this Nation, in which for these last Twenty Five Years he has born so great a Share ; and I judg'd it to be a Service to the People of England to vindicate his Lordship from those many Aspersions which were thus industriously and maliciously thrown upon that Man who first among the Tories made a Stand in Defense of his Country, and its Constitution. But yet when I had drawn up what I had to say, I deferred to Print it, out of Tender-
ness.

derness to him whom I designed to serve, when I found (as I thought) that the Cry against him upon this Account was pretty well at an End. I remembered that *Spreta exolefcunt*; was a Saying of a very Wise-Man, who advised great Men when they thought themselves injured by Reproaches, to pass them by; and Answer not a Fool according to his Folly, was said by a much wiser Man than he, long before. But then, the same great Director of the Conduct of Mankind advises them sometimes to Answer a Fool according to his Folly, when either the Good of the Publick or the Private Reformation of the Fool himself may make it necessary. Answering the Fool in these Advices of Solomon, is letting him see wherein his Folly consists: Not answering him is letting him alone, and suffering him to go on.

In pursuance therefore of the seemingly contradictory Rules of the Wise-Man, I suppress this Vindication when I thought there was no farther Occasion for it. But when I saw that those who had encouraged the Cry against the E—l of N—m, still persisted in that Encouragement, I then thought it was Time that some Notice should be taken of it. Tho' I think my self bound before I go one Step farther, to declare, as I here solemnly do, that neither his Lordship, nor any of his Friends, know any thing of my Publishing this Vindication, which comes forth purely to do Service (as I think) to my Country, in setting them Right in their Opinions, of a Man who has been so serviceable to it already, and is able to be

much more so, if he finds Encouragement from those to whom he labours to do Good.

About four Months ago Mr. Steele Published his Crisis, wherein, with a Fearlessness and Intrepidity, of which few Men can Boast, he set forth our Constitution, and the Duty which is incumbent upon every Man at this Juncture to defend it; and at the same Time to shew, he was not ashamed of it, he set his Name to it. He was quickly Animadverted upon in a Pamphlet, Entitled, The Publick Spirit of the Whigs. There the E—l of N——m is again abused for Writing these Observations. It is believ'd that that Pamphlet was written, or at least approved by some very considerable Men. If that Suspicion be true, then it is plain that there is a settled Resolution taken, by some in Power, to run down this Great Man if they can.

Not long before that, a Paper came out which was called, A Letter from Pensionary Heinsius, to Mr. W—le, concerning the Bill of Commerce, in which his Lordship is used yet more Injuriously upon the same Foot. The Words of this Pamphleteer are these,

*“ After these Instances of your Sufficiency
 “ and Zeal [he speaks to Mr. W—le] we can-
 “ not entertain the least Doubt of your doing
 “ all that can be done in the Lower-House this
 “ Winter *. Si Pergama dextrâ defendi possint.
 “ Nor can we question, but our Affairs will be
 “ well supported in the Upper. For, besides the*

* This Letter is dated Oct. 1713.

P R E F A C E.

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“ *steadiness of our Old Friends there (who have*
 “ *for above Twenty Years laboured in our Service,*
 “ *and whose Abilities, tho’ worn and exhausted*
 “ *with the Fatigues of Faction, must still, next to*
 “ *your own, be extoll’d and admir’d)* we may re-
 “ *ly on the unweari’d Application of a certain*
 “ *Earl, our new Associate, who hath turned Au-*
 “ *thor too in our Defense, and rally’d in his most*
 “ *excellent Treatise, the Condition and State of*
 “ *your Nation. He is every-where renowned for*
 “ *the Melody of his Tongue, and the Copiousness*
 “ *of his Oratory. He made the first Stand against*
 “ *the Peace and the Ministry. He bravely quitted*
 “ *his Party when they had most need of him ;*
 “ *and despising the foolish Monarchical Princi-*
 “ *ples of his Ancestors, came at once roundly*
 “ *into the Measures of our Republican Agents.*
 “ *In a word, he now acts with all the Fury of*
 “ *a bigotted Convert, and with all the Revenge*
 “ *of a disappointed Statesman ; which is a mat-*
 “ *ter of great Consolation to us, and of immortal*
 “ *Fame to himself”* *.

When I read this insolent Passage, I judged it
 to be the Duty of some honest Englishman, who
 believed the E--l of N---m to be true to the
 Interests of his Country, to do what lay in his
 Power in his Lordship’s Vindication. This deter-
 mined me to the present Publication of these Pa-
 pers, which otherwise had been entirely suppress’d.
 His Lordship is certainly in the right to leave
 his Countrymen to defend him ; and it is below

* Letter of Pens. Heinsius to Mr. W—le. pagg. 10, 11, 12.

him to appear in his own Defense in a Matter of this Nature, wherein he is unjustly charged. Who the Author of these Observations is, I have not enquired; and it matters not to the Public to know; and as little why he has not in all this Time thought fit to defend them. If they are just, Magna est Veritas, & prævalebunt; and where I have thought them so, it seemed to me to be a Debt due to Truth to defend them; especially since they have been father'd upon so great a Man, and printed as his beyond-Sea in French, which is now in a manner the Universal Language of Europe.

But before I dismiss my Reader to the Vindication it self, I have something to say to this Gentleman, who personates the Pensioner of Holland, (who is perhaps one of the wisest and honestest Ministers of State in Europe) and thinks it proper under the Disguise of a Dutch Statesman to abuse the E-l of N---m as an Enemy to his own Country, in which he was so long a Minister of State, and employ'd in Posts of the highest Trust.

His Lordship is here accused of quitting his Party when they had most need of him, and of despising the foolish Monarchical Principles of his Ancestors, and of coming roundly into the Measures of the Republican Agents of Holland. This is a very heinous Charge, if it can be made out: and is a vile and infamous Slander if it cannot. To endeavour to ruin one's Country, let the Motive be what it will, is one of the greatest Crimes of which a Man can be

be guilty; and yet, great as it is, to attempt it out of a Principle of Revenge makes it still more detestable. Let us consider therefore whether this Accusation carries any shew of Probability; and I shall beg but one Postulatum, which is, that his Lordship, (who is here accused of joining with those who are supposed to be the sworn Enemies of his Country, in a Design, which if successful, would end in its Destruction) has Common Sense. It is not deny'd either by Whigs or Tories, that he steadily adhered to the Tories 'till the Negotiations of the Peace began. As long as he did so, his own Party paid as great a Deference to his Judgment, as they did to the Judgment of any single Man in England. In Truth, no Man was thought to be a more able Defender of Church and State than the E—l of N—m. His Commerces, his Familiarities, his Relations, his Acquaintances, were in a manner all that Way. When he first declared his dislike to what was a doing, very few of his Old Friends seconded him. He had New Friends quite to make, and those too out of a Body of Men, whom he had by a strenuous and a successful Opposition heartily provoked, and who formerly did not spare to express their Resentment against him in the keenest Terms. He could not but be sensible how he should be treated by those whom he had forsaken, and at the same Time did not know how he should be receiv'd by those to whom he newly profess'd to adhere. The Majority of the Parliament were visibly Tories; the People were industriously and effectually Inflamed against the Old Ministry, who were for carrying

rying on the War, they were considerably weaken'd by its long Duration, they longed for Peace, and greedily devoured the Golden (I had like to have called them South-Sea) Baits, which were laid for them. They looked upon the Mines of Potosi and Mexico as their own; and the Rise of the Manufactures in England, would in their Imagination, be as High upon a Peace, as a credulous People, fully persuaded of the Truth of all that was told them, could possibly suppose it to be.

These Difficulties from the People, the Clergy, and the Parliament, his Lordship had to struggle with, and they were what every Man of Common Sense must acknowledge to lye directly in his Way. I do not ask what the Event of this Opposition was. I only ask whether any Motive of Interest or Revenge could engage any Understanding Man in that Conjunction to act as the E—l of N—m did. Such Motives in Men of sedate Tempers, of long Experience in Business, and that thoroughly know Mankind, lead them seldom to make such open Declarations under such Circumstances, without an almost certain Prospect of Success. When therefore I see such a Man steadily act a Part, which is to outward Appearance different from, if not contrary to, the Part which he had acted all his Life before, and a Part too, in which he can expect nothing but the warmest Opposition on one Side, without a sufficient Security of being trusted by the other, especially if Numbers and intrinsic Strength are against him, I must conclude that his Actions proceed from a full Persuasion

Persuasion that he is in the Right, and not from any oblique Motives of Interest (which is visibly against him) or of Revenge, which in such Cases are always studiously concealed.

But that must be left to God, and his Lordship's Conscience. I would, however, fain ask these Gentlemen, what Right they have to treat others as Rogues and Villains (for at the Bottom it is no better) because they are not of their Side, or because they leave those to whom they long and steadily adhered? The Reproach that usually attends what is called leaving a Party, deters most Men: And it requires an uncommon degree of Courage to shift ones Side, (where immediate Advantage does not attend it) tho' a Man is in his Conscience satisfy'd that his Friends are never so much in the wrong, and to bear the Reproaches of his Old Acquaintance. And I believe I am not mistaken in the E—l of N—m if I roundly assert, that nothing but the strongest Persuasions could have led him to take those Steps, which he took upon the opening of the Negotiations of the Peace. Nay, I will farther venture to affirm, that Revenge in Men, when the Boilings of Youth are over, rarely if ever leads them to act in the manner, in which his Lordship has acted since that Time, considering that he is not charged with consulting the Interest of himself and Family by this his Conduct.

Should I oppose our Blessed Saviour's Command of not judging the Thoughts of other Men, to the Conduct of these Accusers of the E—l of N—m, I should only be laughed at for my Pains.

Men that accuse others of indirect Motives, when those Motives cannot be plainly proved, suppose them to be like themselves, and when they know themselves to be dishonest, they fancy others are so too. But these are general Defenses. Let us now come to the Merits of the Cause it self, and without repeating what the Reader will hereafter find, let us examine what this personated Pensioner does here so positively assert.

My Lord N—m is accused of leaving the Monarchical Principles of his Ancestors, and coming at once roundly into the Measures of the Republican Agents of Holland; and if I am not very much Misinformed, he has been obliquely struck at in the House of Commons for acting upon Revolution Principles in the House of Lords, whereas formerly when he was a Commoner, he asserted, that Proximity of Blood gave a Title to the Crown, which no Parliamentary Settlement could defeat. An Answer to this last Accusation will clear the former Calumny. It is well known that in the Year 1680, a Bill was brought into the House of Commons to Exclude the Duke of York, (afterwards King James II.) from the Succession to the Crown of England, because of his Religion. The chief Agents in the House of Commons for the Court, such as Sir Leoline Jenkins, and some others, went upon the Notion of Hereditary Right not being defeasible by Act of Parliament in England. My Lord Nottingham was then a Member of the House of Commons, his Father, my Lord Chancellor Nottingham being then alive at that Time. He was as Zealous

lous against the Bill of Exclusion as any Courtier whatsoever, and spoke against it more than once; but always before he gave his Reasons against it, he took care to destroy the Foundations upon which Sir Leoline Jenkins, and some other Courtiers built. He asserted the Validity of the Act of Parliament of 13 Eliz. cap. 1. by which the Power of limiting the Succession to the Crown is vested in the Sovereign, and the Three Estates; and he opposed the Bill of Exclusion upon prudential Reasons, which determined him to be against it. All the Old Members that were then in the House know this to be True; and I could appeal to some Eminent Men now in the Ministry, whether this was not always his Lordship's Opinion.

In Obedience to the Constitution he not only submitted to King William, when the States of the Realm had actually vested him with the Regal Power, but acted under him honestly, steadily, and successfully. And it is in Obedience to the Constitution, that he now asserts the Legality of the Settlement of the Crown in default of Issue of Her Majesty, upon the Princess Sophia, and Her Issue, being Protestants; for this Settlement has been made by Her Majesty, and Her Parliament, in pursuance of the Right given them by the beforementioned Statute, (not to mention other subsequent Confirmations) which stands unrepealed.

To call this a Republican Principle is foolish and ridiculous, even in the Mouth of a Jacobite (and none but such can have any Pretence of fixing this Accusation upon his Lordship.) The Hereditary-Right-Men (who of late have made

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such

such daring Insults upon the Establishment; and who lean too much upon a Power lodged in our Kings, of giving the Crown by Will to whom they please,) will find it difficult to give any Reason à priori, why the Act of a King, when he gives his Consent to a Bill tendred him by Lords and Commons in Parliament, should not be at least as Authentick, as a Will signed by the same King in the presence of half a Dozen Witnesses can possibly be. To foolish Arguments we may very properly give ludicrous Names. This is truly Bamboozling of the People. The first Act of Settlement that was made in King William's Time was confirmed more than once by Her Majesty in Parliament. All that do not think Her an Usurper are bound by those Laws; and if they stand steddily to those Laws, they may for such their Adherence as well be called Mahometans as Republicans. But it is a common Custom when Men would defame any Man, and lessen his Authority, to throw the hardest Name upon him they can think of, and this with untwary People, (and such the generality of Mankind always are,) has often the same Effect, as the affixing of Madness upon a Dog has in the Streets; the Mob silences him, and the Business is done.

But, in truth, if Gentlemen mean any thing by Revolution Principles, no Party among us are more justly chargeable with them, than the Friends to the Pretender. They truly own such Principles. They would alter and overthrow a legal and a just Establishment, without the most absolute Necessity to warrant such an Alteration. And when
they

they have so done, they would throw the Odium upon us. We stand up for the Establishment, and the Old Constitution, by which the Sovereign and the Three Estates have a Power of limiting the Succession. Now limiting the Succession, and introducing a Commonwealth, which Republican Principles naturally tend to, are widely differing Things.

I am indeed aware, that in the Statute of Recognition of King James the First, the Three Estates assembled in Parliament devote their own Blood, and the Blood of their Heirs, to maintain the Lineal Succession in the Family of the Stuarts, descending from that Prince, against all Opposers whatsoever. But what then? Do's this hinder any Prince lineally descending from that King, and possess'd of the Crown by virtue of that lineal Descent, from making Use of that Authority with which he is vested by Laws antecedent to that Act? Can we think that that Parliament intended to abridge that King of any Power with which his immediate Predecessor (whose Memory he did not love) was invested? No; By this Recognition they only intended to barr any Pretensions which any Body else claiming by virtue of Henry the Eighth's Will, or by any other Title, could possibly have to the Crown: And they engaged themselves and their Heirs to stand by him and his Posterity, claiming by a Lineal Descent, against any Pretender, claiming by any other Title. Do's not Queen Anne enjoy Her Crown by virtue of that Lineal Descent? Have not She and Her
Parlia-

Parliament limited the Succession to the Imperial Crown of Great Britain to a Grand-Daughter of King James the First, and to the Heirs of Her Body lawfully begotten, being Protestants? This She and They had a Power by the Constitution to do. Those that would alter this, are properly Men of Revolution-Principles; and to these the Earl of Nottingham has strenuously opposed himself. Let us not therefore be deceived with Words, and call that Republican which is not, and frame Schemes which our Law is unacquainted with.

Her most Excellent Majesty told Her Parliament not many Years ago from the Throne, that all that is dear to us, must be IRRECOVERABLY Lost, if ever the Designs of a Popish Pretender should take place. We with the utmost Thankfulness to Her Majesty for such a Declaration, concur in the same Opinion. She has graciously endeavour'd, as much as in Her lay, to secure Her Kingdoms against any Danger from a Popish Pretender, by settling and securing the Protestant Succession by so many Laws. In Gratitude to Her, and for his own Security, every honest Englishman will do his Part, that these Laws may have their desired Effect in God's good Time. And out of the same grateful Principle we pray for the long and prosperous Reign of Her Majesty over us, who has done so great Things for us, and for our Posterity.

After all that has been said, I need not be ask'd why this Vindication of this Noble Lord is publish'd

publish'd now. It is one of the greatest Demonstrations of private Prudence for Men to know their Friends from their Foes; In public Prudence it is as great a one for Nations to reverence and esteem those who are zealous for their Religion and Liberties, and have Power to defend both in the Day of Danger. Let the Ministry be as just, and as upright as ever Ministry was (and it is no ways my Intention to accuse them either of Injustice or Treachery) yet no Man can reasonably say that there is not Cause to be apprehensive of the Pretender. We have Reason to believe that the French King would, if a proper Conjuncture should happen, leave nothing unattempted to settle the Pretender here*. It is his Interest so to do; and it will equally be the Interest of any one of the House of Bourbon who shall succeed him. Here lies the true Source of all our Fears, and what his present Most Christian Majesty, or his Successors, would certainly attempt if they have Power, every true Englishman ought to fence against to the utmost of his Ability. Those that shew their Zeal upon this Foot now, are injured when they are accused of Undutifulness to Her Majesty, or Disrespect towards Her Ministers. In truth, they do Her the greatest Service, who declared Her self with Warmth at the Opening of this Parliament, against those that would insinuate that She was against the Protestant Succession in

* See *Englishman*, No. 57. from pag. 278. to pag. 287. Edit. 120.

the House of Hanover. That Expostulation shew'd Her Majesty's Intentions. In those we are safe. They that labour to rid the Nation of those Fears with which they are at present so unhappily distracted, and that are the most successful in their Endeavours, are in truth the best Subjects. And, if they do it without any visible Prospect of the Recompence of Reward; if instead of Thanks from those who have reaped, and do reap the greatest Benefit, nothing is got but Obloquy and Reproach; if there is no immediate View of Interest to Themselves or Families, in those Cases to suggest that such Men are acted by Revenge against any of their Fellow-Subjects, rather than by Love to their Country, is the blackest Injustice, and the highest Ingratitude.

June 3. 1714.





A
VINDICATION
OF THE
Earl of NOTTINGHAM.

MY Design in these Papers is to make as exact an Enquiry, as I am able, into the Validity and Justness of those Observations upon the State of the Nation, which were published in January 1713; and to defend them where I think they are capable of Defense. I propose also to vindicate that Noble Lord, to whom they are falsely ascribed, from those base and unworthy Aspersions, which have been thrown upon him by Authors of different Interests, and who seemed to have been animated by different Motives; These Two Things I shall do in their Order.

Some there are who tell us, That it is undutiful for a private Subject to publish his Dissatisfaction in Matters purely Political; for if it be allow'd to ANY one, at ANY one Time, it will follow, that it may be allow'd to all at all Times. For what Liberty has one Subject more than another in this Matter? Or, why may not any Person fancy one time as proper to complain, as this Writer, or any other, does the present*. Now, not to lean upon

* Sewel's Remarks, p. 7.

the Words, *purely Political*, which are very liable to Misconstruction, I shall, with this *Remarker's* good Leave, bring a Case that actually happened in *England* in our Memories. In the Year 1687, King *James II.* put forth a Proclamation, by which he gave a Toleration to all those Sects of Christians in *England*, which could not communicate with the Established Church, to serve God in their own Way without Molestation, with a *Non Obstante* to all those Acts of Parliament which forbad such a Toleration. In 1688, the Clergy of the Church of *England* were commanded to read this Proclamation in their Churches in Time of Divine Service; and the Archbishops and Bishops were required to disperse the Proclamation by which the Clergy were so commanded, throughout their respective Dioceses. This most of them refused to do: And Dr. *Sancroft*, then Archbishop of *Canterbury*, and Six of his Suffragan Bishops, petitioned King *James II.* in Behalf of themselves and their Clergy, to be excused from Dispersing and Reading that Proclamation. Now this was a Matter *purely Political*. They were not against shewing due Tendernefs to Scrupulous Consciences. They sat still whilst his Majesty, by his own Authority, gave the Dissenters such a Toleration, as they apprehended to be illegal. But when they were commanded to act themselves, and by that Act from them required, were brought under a Necessity of owning a Dispensing Power in the Crown, they petition'd the King, and they defended their Liberties, and the Liberties of the People of *England* in *Westminster-Hall*; and *publick Vindications* of what they did, were printed and industriously dispersed over the whole Nation. No Man will say, but this Case is rightly stated. I wou'd ask now but one Question: Dares any Church-of-*England*-Man dis-

commend

commend the Bishops and Clergy of *England* for what they did at that Time?

Particular Circumstances therefore, in these as in other Cases, determine the Lawfulness, or Unlawfulness of the Action. If Men shou'd cry Fire in the Streets, and much more in a Prince's Palace, in the Dead of the Night without any Cause, they deserve to be severely punished: But those that apprehend they discern it even before the Flame is actually broken out, and shew the Place from whence their Apprehensions arise, and assign the Reason of such their Apprehensions, tho' it is in the Dead of the Night, when every thing is still and quiet, and all People laid to sleep, will, even tho' they shou'd call them up in a rude and impetuous Manner, be **ACQUITTED AT LEAST**, if not **THANKED** by those whom they have thus endeavoured to **DELIVER**. I make no Application: Nor wou'd I be thought to make one. I only oppose a Proposition very crudely laid down, by one that seems not to have study'd the Case thoroughly; and a Proposition which, in the Latitude in which he proposes it, is certainly false: Whosoever makes any Application to the Prejudice of the present Ministry, he affronts them, not I.

Those Gentlemen, who appear to be now so very angry with every Man, that expresses the least Disatisfaction in the Management of Publick Affairs, know very well, that this Observator, be he who he will, is not the only Man who has shew'd his Fears of late: His Apprehensions are in a good measure, what most Men own in private Conversation. Only here is the Difference; some think the Remedies already provided against these Evils, sufficient to prevent them; whilst others are apprehensive, that they are not.

The Facts, in which both Sides agree, are these; That if *France* and *Spain* come ever to be under one Man, the Liberties of *Europe* wou'd from that Moment be absolutely at the Mercy of that one Man; and all that are not directly *Jacobites* do also agree, That if the *Pretender* once comes hither, let him put on what Mask he pleases, let the Disguise he appears in be what it will, the Liberties of *Great Britain*, Civil and Religious, will be entirely at his Disposal *. Where then is the Crime? In what consists the Undutifulness of telling the People these Things at this Time, and in this Manner? Was not the Parliament in 1713, kept together by Weekly Prorogations in order to meet? For what, in the Name of God, do we send our Representatives to Parliament, but that they should consult for the common Welfare of Prince and People? Is not that in the very Original Writ it self, by which Her Majesty calls them together? Are not such Things as these *ardua Regni negotia*? Can they give Her no Advice, unless the Subject, and Bounds of that Advice are limited? Who pretends to tye their

* This the Jacobites themselves do not stick to own. The Author of *the Hereditary Right of the Crown of England* asserted, says in one place, That "a King *de Facto* is not legally qualified " to give a Commission to Judges, nor are Proceedings in his " Courts of Judicature of any Authority. He cannot create a " Nobleman, or make a Bishop. . . . all his Presentations to Benefices are voidable all Lands bestow'd by him, are resumable at the Pleasure of the rightful Successor, *Hered. Right*, p. 136. And again, "Whenever the Heir shall recover " his Right, there is no Law to shelter from his Resentments " such as opposed his Claim, and lent their Assistance to his " Enemy. Whoever took up Arms for him, or assisted him with " Men and Money, the Soldiers that fought for him, the Divines " that made it Gospel, the Lawyers that made it Law, are all " involved in the Guilt of departing from their Allegiance, *Hered. Right*, p. 176.

Hands, or to stop their Mouths, so long as true Duty is preserved to the Person of Her Majesty? And who is there among us, who does not heartily Pray for Her Prosperity, and that she may long continue to be a Blessing to Her People? May they who wish (much more who speak) otherwise, meet with the just Punishment which such Criminals deserve! But when Printed *Cases*, *Petitions*, and *Projects* are dispersed every Sessions in the *Lobbies of the Two Houses*, and in the *Court of Requests*, may not private Subjects publish their Apprehensions concerning the State of the Church and Nation, provided they do it in a DUTIFUL manner?

It is true indeed, That the same Liberry which one Private Man may lawfully take to publish his Apprehensions, another Private Man may as lawfully take to answer them. *Veniam petimusque, damusque vicissim*. If his Answers be solid, he does good Service; if not, the Fallacy will soon be seen through, and the Ill-manners, if there is any, will recoil upon the Author: If he uses Falsties either in Fact, or Reasoning, tho', like Stratagems in War, they may serve a present Turn, yet when they are detected (as the Publick will certainly see thro' them at long run,) the Author will lose his Reputation, even tho' he should chance to get his Preferment. The Cause therefore, which is defended in these *Observations* is left with the Publick, and if it is Right it will stand, let the Opposition now made to it be never so violent.

In the Year 1705, when the Nation, generally speaking, was in good Humour, upon the Account of the wonderful Successes with which God had blest the Arms of Her Majesty and Her Allies the Year before in Germany; the *Memorial of the Church of England* appeared, in order to complain of the then Ministry, as guilty of a Conspiracy with those

those that were profest Enemies of the Church of *England* to undermine it. In that Memorial are these Words, " Perhaps our wise Men think themselves secure in the Passive Principles of the Church, against any Resentments on that Side; and therefore bend all their Application to gain the other, whose Temper and Principles are more mutinous. If this be their True Motive, they may be simple, well-meaning Men, but must be wretched Politicians. The Principles of the Church of *England* will dispose Men to bear a GREAT DEAL, but he is a Mad-Man that tries HOW MUCH. For when Men are very much provoked, Nature is very apt to rebel against Principle, and then the Odds are vast on Nature's Side. Whether the Provocations given to the Church of *England*, may not, if continued, be strong enough to rouse Nature, some of our Statesmen would do well to consider in Time. For tho' the Church is not to be wrought up to Rebellion, yet they may be so alarmed, as to secure themselves at the Peril of those Ministers who give them the Alarm. Nor is it to be expected, that they should long bear to be thus used, and see a Party that they know seek their Ruin, courted at their Expense" *.

This Paragraph is taken Notice of in the *Observations* in these Words, " Those that affect now to be called *High-Church-Men* have no pretence to complain; who in *Memorials* from the Press.... did, in a Manner, which no True *Church of England Man* dares imitate, treat the late Ministry in the vilest and most contemptuous Manner possible, and threaten them in Terms little short

* Memorial of the Church of *England*, p. 16.

“ of downright Rebellion † ”. With this Passage
 “ the *Examiner* || makes himself very Merry, “ You
 “ (*says he, addressing himself to my Lord N—m*)
 “ must not be a Judge in this Cause,
 “ especially since you understand the Law no bet-
 “ ter than to talk of Terms little short of Rebel-
 “ lion ; as if any Terms could be so by the Laws
 “ of *England* ”. To those Laws then, we may
 boldly appeal ; we shall all joyn Issue with the *Ex-*
aminer, and upon such an Appeal we need not be
 afraid to assert, That those Terms or Expressions
 fall very little, if at all short of downright Rebel-
 lion. The Words are here set down at large, and
 the *Examiner*’s Mirth, as being wholly foreign to
 the Question, is returned to him back again.

The Case therefore, in short, is this, That it is
 not the declaring of Mens Apprehensions in Mat-
 ters relating to Publick Dangers, but the manner
 of declaring them, which our Law looks upon to
 be Criminal ; and the Men that *prescribe the Remedy*
of Prayers and Tears, to those that are *passively Obe-*
dient, dare not venture to say that such sort of De-
 clarations as these are in the least contradictory to
 the Commands of God, if they understand the
 Question, which they would be angry to be sup-
 posed they do not. How far they are contradicto-
 ry to the Laws of the Land, it is the Magistrates
 Business to determine, and in the Determination
 all dutiful Subjects will readily acquiesce. But it is
 time to descend to Particulars.

The Author of these *Observations* seems to have
 thought that there is no better way of examining in-
 to the Strength and Weakness of the Apprehensions
 of those that shew’d their Dissatisfaction at the Peace,

† *Observations*, p. 2. || *Examiner*, Feb. 27. 1712.

than by enquiring into what had formerly happen'd in Cases not unlike ; and by impartially comparing present Conjunctions with those that are past : In order to do that, he was necessarily obliged to look back into the State of *Europe* in *Henry* the VIIIth's Time. From thence he drew this Conclusion, that since *Charles* the Vth, then Emperor, and King of *Spain*, was full as powerful as *Charles* the VIth would be if he were possesst of the *Spanish* Monarchy upon the Foot of the Treaty of *Gertruydenburgh*, and of the Grand Alliance ; and since *Francis* I. then King of *France*, was weaker than *Lewis* XIV, and *Henry* VIII not stronger than Queen *Anne* ; and since *Henry* VIII was actually able to turn the Scale, then this Ballance of Power would, in his Opinion, have been best preserved in *Europe*, by putting *Charles* VI in Possession of the *Spanish* Monarchy, in pursuance of the Grand Alliance, by a Peace to be made upon that Foot. To all this several sorts of Replies have been made, which shall be considered in their Order.

One tells us, That it was not *FRANCE ALONE*, * which at that Juncture opposed the united Force of *Spain* and the Empire : That it was not the part of *FRANCE SOLELY* that gave a Check to *Charles* V. † and then asks *How it can be said, that the SINGLE POWER OF FRANCE opposed that Emperor* || ? Here it should, in the first Place, be remarked, that the Words *single Power of France*, and *France alone*, and *France solely*, are no where in the *Observations*. These Words which quite alter the Proposition are this Remarker's own. The Words in the *Observations* are these : *Yet notwithstanding all this, and notwithstanding the great footing which Charles V. as Duke of Burgundy, had in France it*

* *Sewel's* Remarks, p. 10.

† *Id.* *Ibid.*

|| *Id.* p. 11.

self, * Francis I. who had little else but the remaining part of France, made Head against that Mighty Emperor; and tho' he was once taken Prisoner, and forced to redeem himself upon very hard Terms, yet he and his Son Henry II. held Charles V. for above Thirty Years together at Bay, and defended their Territories against all that Charles was able to do against them. † Here are no Soles nor Alones. Francis I. got what Help he could, and when he was afraid he should not be able *flectere superos*, he try'd *Acheronta movere*. Lewis XIV. is not the first, in the List of MOST CHRISTIAN KINGS, who has called in the Help of the *Turks* to humble the House of *Austria*. Francis I. apply'd himself to *Solyman the Magnificent*, then Emperor of the *Turks* for Help, and Help from him he had. || For in the Year 1543, *Solyman* invaded *Hungary*,

* Here I must observe, That this *Observator* is mistaken in his History. For the Dutchy of *Burgundy* was never in *Charles V's* Hands. *Lewis XI.* of *France* took Possession of it upon the Death of *Charles the Hardy*, Duke of *Burgundy*, under pretence of keeping it for his Daughter, then an Infant, who was afterwards married to the Emperor *Maximilian I.* and never restored it afterwards.

† *Obf.* p. 5.

|| *Franciscus Carolum Austriacum (sic eum vocabat) ut Vasallum suum Flandriae & Artesiae nomine, publico Edicto suum ad Tribunal vocavit, & contra eum cum Solymanno Turca Societatem injit satis tunc infamem.* *Perizonii Hist. Sæculi xvi. p. 252.* This Confederacy *Perizonius* might well call *Infamous*, when *Mezeray* observes it in Commendation of *Lewis XI.* (one of the vilest Princes whom we read of in History) that he would not suffer Sultan *Bajazet's* Ambassador to come any farther than *Marseilles*, as not thinking that he could be a Christian, and have any Communication with the Enemies of Jesus Christ. *Il ne faut pas luy [Louis XI.] denier le loüange qu'il mérita sur la fin de ses jours; de n'avoir pas voulu permettre qu'un Ambassadeur de Sultan Bajazet luy envoyoit, passast plus avant que Marseille, parce qu'il ne croyoit pas qu'on püst estre Christien, & avoir Communicacion avec les Ennemis de Jesus Christ.* *Abregé Chronolog. ad an. 1483.*

and took *Gran*, *Alba Regalis*, *Five-Churches*, and other Places, and then went home in Triumph. And he sent *Barbarossa*, who was the greatest Seaman the *Turks* ever had, with 130 Gallies to the *Coast of Provence*, where he was joyned by a Prince of the *House of Bourbon*, with 22 Gallies, and they both jointly besieged *Nice*, in that Year *. Tho' it is foreign to my Purpose, I cannot but observe, that the Imperial Admiral, who opposed them at that Time, was the famous *Andrea Doria*, a *Genoese*, to whom that truly magnanimous Emperor, *Charles V.* made a present of the Liberty of his Country, as a Reward for his great Services against the *Turks*. A Gift which the *Genoeses* to this Day thankfully remember.

This for the Honour of the Christian Name (as I suppose) was omitted in the *Observations*; but since I think it not improper to mention it in this Place, let it be observed besides, that *Lewis XIV.* has no more been wanting to secure and strengthen himself by Foreign Alliances than his Predecessor *Francis I.* was. We well remember who brought the *Turks* into the Empire in 1683; and who would have brought them in again the other Day †, if Providence had not wonderfully interposed. The unfortunate King of *Sweden* knows whom he has to thank in a great measure for the Calamities which he was fool-hardily persuaded to bring upon himself. And the Malecontents in *Hungary*, for these Forty Years last past, have not carry'd on their Oppositi-

* See *Mezeray Abreg. Chron. ad an. 1543.* p. 623. & *Perizonius* pag. 298.

† See Articles of a Treaty between His Most Christian Majesty and the King of *Sweden*, concluded at *Bender*, Sept. 1. 1712. in *Evening-Post*, Feb. 3. 1713.

on to the House of *Austria* by their own Strength. For as to the Disturbances which the Beginnings and Progress of the Reformation gave to *Charles V.* in *Germany*, they were nothing to what the House of *Austria* has found on that Side, which have been given by the unweary'd Artifices, and constant Solicitations, and almost incredible Expenses of His MOST CHRISTIAN Majesty. So that as to this Case, the Account of the *Balance of Power* at that Time, for any Thing which appears yet against it, is NOT put in a false Light *.

But we are told farther, that *Ferdinand I's* Power (who was then King of the Romans) is lessen'd beyond what it ought to have been in the Observations. This is said, to weaken this Observer's Account of the real Strength of *Charles V.* The Examiner wisely tells us † That *Ferdinand AS King of the Romans had all the Hereditary Countries*; whereas in Truth *AS King of the Romans*, he had not any thing more than a Right to succeed his Brother in the Empire after his Demise. Another Gentleman assures us with great Accuracy of Speech, " That excepting *Ferdinand's* Broils with the great Turk, he " was the most Potent Prince on that side of Europe; and the Account of his Power will thus " appear: He was King of the Romans, King of " Hungary and Bohemia, Croatia, and Sclavonia; He " posselt both the *Austria's*, *Silesia*, *Stiria*, *Carin-*

* *Thuanus's* Remark upon this very Occasion is a considerable one, and it is a full and a weighty Answer to all that these Gentlemen would insinuate concerning the Balance of Power at this Time. *Divino consilio provisum arbitror, ut tot magni Principes eodem tempore Orbem Terrarum moderarentur, ut quisque EORUM emulatione, aut metu amuli in officio se contineret; & alterius Virtus, contraria alterius virtute, quominus licentiosa evagatione se effunderet, inhiberetur.* Histor. Lib. 1. p. 27. Edit. Paris.

† Exam. of Feb. 27. 1712.

“ *thia, Carniola, Tyrol, and great part of Suabia,*
 “ which Dominions are NOW the ONLY Power
 “ and Strength of the House of *Austria*; these
 “ *Charles V. had not*”. * If these Dominions be
 NOW the ONLY Power and Strength of the
 House of *Austria*, and that *Milan, Naples, Sardinia,*
 and great part of the *Spanish Netherlands*, which
 are NOW in the Emperor’s Hands be nothing, it
 is pity he had not more than he has. But this by
 the by. In Answer to this pompous Enumeration
 of *Ferdinand’s* Territories in his Brother *Charles’s*
 Life time; I shall not examine into the Justness of
 this Account, nor ask what Addition to his
 Strength *Hungary*, when ravaged by *Solyman*, was
 at that Time. I shall only consider how this Mat-
 ter is stated by the Author of the *Observations*.
 “ His Brother *Ferdinand*, who was King of the Ro-
 “ *mans*, had indeed the Hereditary-Countries in
 “ *Germany*, but he was little more than *Charles’s*
 “ Vice-Roy, as long as he continued Emperor †”.
 Both Sides here agree in the Matter of Fact; so that
Ferdinand’s Power is not wrong stated in the *Obser-*
vations; but then let his Power have been what it
 will, he that always gave into his Brother *Charles’s*
 Measures, may in that respect be truly said to have
 been little more than his Brother’s Vice-Roy. Nay
 the greater the Intrinsic Power of *Ferdinand* was, if
 that Power was wholly employed in pursuing
Charles’s Designs, the greater Force must have been
 requisite to oppose *Charles*, whose superior Quality
 gave him the Reputation of what was done. Par-
 ticularly in the *Smalcaldic War*, which was under-
 taken by *Charles V.* on purpose to extirpate the Pro-

* Nottingham’s Politicks. p. 13.

† Observ. p. 4.

testant Religion in *Germany*, in which *John Frederic*, Earl of *Saxony*, was put to the Ban of the Empire; *Ferdinand* was so ready to obey his Brother's Commands, that he attempted to invade *Saxony* with an Army of his own Subjects, and probably might have possess'd himself of it irrecoverably, if *Maurice*, who was made Elector in *John Frederic's* room, had not prevented him, and seized upon it for himself. I question, whether any one Instance of great Moment can be assigned, wherein *Ferdinand* opposed his Brother, except it was, when he wou'd not consent to surrender his Title to the Empire, after the Demise of *Ch. V.* to his Son *Ph. II.* I believe there never was a more particular History written of the Affairs of any Country, than *Seckendorff's History of Lutheranism* is of *Germany* at that Time, as far as it goes, which is to *Luther's* Death: And there is a very just Account of the State of *Europe*, from the Year 1500 to the Death of *Charles* the Vth, lately published in *Holland* by *Perizonius*. This last is soon read, and there any Man, who has a Curiosity, may inform himself very easily of the Truth of the Assertion, which is laid down in the *Observations*, of the Power which that Emperor had in *Germany*, till he was in Danger of being surprized by *Maurice*, Elector of *Saxony*. That unexpected Blow, which first gave a Shock to his Fortune, made him resolve to quit *Spain* and its Dependencies to *Philip*, and the Empire to *Ferdinand*, as he some time after did.

Till that Time, the whole Power of the House of *Austria*, was, in effect, in *Charles* the Vth's Hands. But then we are told two Things:

- I. "That he receiv'd no Profits or Gain from
"the *West-Indies*, that was worth notice, in his
"whole Reign; the Expences and Losses in the
"first

“ first Discoveries, together with the Rebellion
 “ of *Pizarro*, who had possess’d the rich Country
 “ of *Peru*, being an Obstruction to the immediate
 “ Advantages which might otherwise have been
 “ made : So that *Charles V.* had little or no Money
 “ from the *Spanish West-Indies*” *.

II. “ That the *Spanish West-Indies* are a 1000
 “ times greater in Value now, than in those Times ;
 “ that the Wealth they now bring is immense, cer-
 “ tain, constant, and then was small, precarious,
 “ and not worth notice” †. The *First* of these Pro-
 positions is, I believe, not true in Fact ; the *Second*,
 if it be true, makes directly against the Design of
 the Author.

As to the *First*, It is certain that the first Disco-
 verers of *Mexico* and *Peru*, *Cortez*, & *Pizarro*, found
 immense Treasures in those Countries, when they
 first conquer’d them ; and these Treasures were
 sent to *Spain* immediately. It was the Sight of that vast
 Wealth, which was from time to time sent into *Europe*
 by the first Adventurers, that animated the *Spaniards*
 to pursue their Discoveries ; that heartned them on
 to endure Hardships (in prosecuting that Design,) ta
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 which have no Parallel in History, and which
 were equalled by nothing, but the horrid Cruelties
 that they exercised upon the miserable Inhabitants
 of those once happy Countries, to satisfy, if possi-
 ble, their Sacred Thirst of *American Gold*, which
 now they have themselves deliver’d up into the
 Hands of a People, who know how to make ano-
 ther sort of Use of it, than ever they did.

It is indeed very true, that *Charles V.* often want-
 ed Money, and that his Designs (which were usu-

* *Not. Pol.* p. 14.

† *Id. ibid.*

ally well laid) proved many times abortive, for want of it. But it was not because little or none was brought in his Time from the *West-Indies*, but because the way of making the People supply all they were able, and many times more, to satisfy the Ambition or Luxury of their Princes, was then rarely practised in *Christendom*. *Francis I.* began to do it, but he did it very sparingly in Comparison of what his Successors, and particularly the present great Monarch of *France*, have done since. As to *Charles V.* the *Spaniards* sometimes deny'd to let him have Money to carry on Wars out of their own Countrey *. But then this is a very weighty Reason, why the *Spanish West-Indies* should not have been put into the Hands of a Prince of the House of *Bourbon*, which is a House that knows so well how to drain its Subjects of every Penny which they can possibly spare.

But, *Secondly*, Is it really true, that the *Spanish West-Indies* are a Thousand times greater in Value, than they were in *Charles* the Vth's Time? Is that a Reason why they shou'd have been surrendred to a Prince of the House of *Bourbon*, or why the *French* should be suffered to settle in those Coun-

* *Res mira profecto, Carolum V. potentem adeo Principem, aque tamen ac ipsius avum Ferdinandum, & Ludovicum XII. Gallia Regem, adeo pecuniæ semper fuisse inopem, ut pleraque ejus Censionia in hisce Bellis hac una de causa in nervum identidem eruperint, aut minus feliciter cesserint, licet opportunissima sæpe illi daretur rerum optime gerendarum occasio. Scilicet, nondum audebant tunc Principes tributis & rapinis exhaurire atque expilare suos populos, hisce oneribus adhuc insuetos. Primus in Gallia Franciscus, sed paulatim, docuit suos hæc mala pati, suasque opes in ambitionem Principis explendam effundere. Carolo autem negarunt ipso hoc anno (1523.) Castellani pecuniam in Bellum extra Hispaniam gerendum. Perizon. Hist. sæc. sextidecimi. p. 119, 120.*

tries ? It is indeed a Reason, why the *Spanish West-Indies* shou'd have been left, as they were before, to their Old Masters. For so long as the *Spaniards* cannot manage that Trade by themselves, and that the *House of Austria* has no Fleets of its own to bring home its Wealth, so long there can be no Danger, that the Ballance of Power, by the Assistance of *American Riches*, shou'd lean too much to the *Austrian Side*.

But farther, *Philip II.* made as much of the *West-Indies*, as has been made since ; in the Beginning of his Reign a great deal more in all probability, before he began to make those Anticipations, which the *Austrian Kings of Spain* cou'd never since get rid of. His *Low-Country Wars* beggar'd him ; and when once the *English* and *Dutch* grew too strong for him at Sea, which they quickly did after the Year 1588, *Spain* visibly sunk. The wide Distance of the *Austrian Dominions* made them then, and wou'd still have made them in a manner useless to each other. And the *French* are so strong at Sea, that, with the *Examiner's* good Leave *, they may be justly said to be a Match for *England* and *Holland*. That they are too strong for either of them by themselves, will hardly be disputed : And if they have not shewn themselves to be a Match for both this War, it has chiefly been, because they wou'd not exert themselves, but looked upon it to have been more for their Interest, to

* “ Speaking of the *French King*, you say, At Sea he is an
 “ Overmatch for any one of the Maritime Powers, and an equal
 “ Match for both. I must intreat you to reconcile this with the
 “ *Dutch State* of the War for the last Year, in which they are
 “ pleased to ascribe the Ruin of the *French Power* at Sea, to the
 “ Conduct of Sir *George Rooke*, in the Fight of *Malaya*. *Ex-*
aminer of Feb. 27. 1712.

carry on a Piratical War, than to put forth their whole Strength in a Royal Fleet; which they might have done, if they had pleased. But, without beating about the Bush, we may safely here appeal to Matter of Fact. The Experience of the Year 1690, when Monsieur de Tourville stood with the French Fleet off of Brachy-Head, is a lamentable Proof of this Truth. We well remember the Consternation we were in at that time; and (when the Storm lay the heaviest upon the Dutch) what Clamours were raised in Holland against my Lord Torrington, who was then Admiral, for sacrificing the Dutch, as it was then surmised, to the superior Force of the Enemy? We remember likewise, that he was acquitted of those Imputations at his Tryal at a Council of War, composed of Commanders of both Nations. One would think this to be too late an Instance to be either forgotten, or cavilled at.

François

* Here indeed the *Examiner* of March 30. 1713. makes himself very merry. "The Pamphleteer, says he, seems concerned for the Honour of the *English* Navy, and that *France* should be an Over-match at Sea, for any one of the Maritime Powers, and an equal Match for both. Our Noble Patriot would certainly have waved this ticklish Subject: For the *English* and *Dutch* were never beaten by the *French* at Sea, but in that favourable Juncture, when he was Sec---ry of State: And we know my Lord T-----n has given too good an Account of that Affair, to admit of the least Suspicion, that he acted contrary to Orders". My Lord N-----m was then Sec---ry of State. True: And was not suspected at that time, nor since, of Partiality to my Lord Tor-----n, during the whole Course of those Clamours. The *Dutch* were then the aggrieved Persons, and they complained not against my Lord N-----m, nor was he in Disfavour upon it, tho' at that Time, no Minister in *England* cou'd have stood Six Months, that had been suspected by the *Dutch*, to have done that of which they then accused my Lord T-----n. The King wou'd scarce have carried him the next Spring to the Congress at the *Hague*, if he had lain under such

France indeed had not met then with the Losses, which she since sustained at *La Hogue* and *Vigo*. But no Man supposes those Losses to be irrecoverable, if the *French* have but Money to build new Ships, in the room of those they have lost: And Money they will have, if it is to be had.

We will suppose however, for Argument's sake, that, in Strictness of Speech, *France* is not a Match for *England* and *Holland* by Sea; yet it is certainly very strong, and knows perfectly well how to put that Strength forward to the best Advantage, either by annoying its Enemies in War, or by carrying on an extensive Trade thro' all Parts of the known World, and making useful Settlements, in order to carry on its Commerce in Time of Peace.

These are some of the Evils, which this *Observer*, and many more than He, did then apprehend: We ought to hope they may not be past Retrieve. How they are to be retrieved, we all willingly leave to the Queen and Her Parliament. And in

an Imputation. He was, after that, once *sole Secretary*, as he was then; and was not turned out, (for it was then well known that he wou'd not quit, tho' he was press'd to it, that his Enemies might not lay Fear to his Charge) till several Years after; and when he was turned out, the *Dutch* laid nothing to his Charge. I wou'd gladly therefore know in what the *Ticklishness* of the *Subject* consisted? My Lord *N_____m* was *Sec_____ry* of State, when my Lord *Tor_____n* commanded the Confederate Fleet against Monsieur de *Tourville*. The *French* were so strong, that the *English* Admiral durst not hazard an Engagement. Some of the *Dutch* fell in Monsieur de *Tourville's* Way, and were mauled, whilst the *English* Admiral seemed to be unconcerned. What is this to my Lord *N_____m*? It proves indeed, that the Assertion of this *Observer*, concerning the Power of the *French* at Sea, is true, but it proves nothing else. Since the *Examiner* quotes *Shakespeare* in this Paper, I shall do so too. Says *Owen Glendower*, in *Shakespeare's* *Hen. IV.* When I was born it thundred: so it wou'd have done, says *Harry Hotspur*, if my Mother's Cat had kittend, tho' you had not been born.

that

that Case, we do not think it any ways undutiful to lay our Finger upon the Sore; and Things that in their Nature must come before such numerous Bodies, as the Two Houses of Parliament, are not Secrets, nor can they possibly be so. Consequently then such Complaints, as in other Cases might be unjustifiable, are not so in this.

But, says the *Examiner*, "If what you suggest be true, that *Henry VIII.* of *England*, not so powerful in your Judgment as *Queen Anne*, did effectually turn the Balance of *Europe* upon that great Emperor; why may not *Great Britain* turn it upon *France*, if ever that Crown and *Spain* should be united under *Philip V.*? Especially when She is supported by so many great Allies; and *Philip*, with that Accession, cannot be supposed to weigh near so much as *Charles V.**

If the Calculation above-mentioned be true, and the *West-Indies* send a Thousand times as much Wealth into *Europe*, as they did in *Charles* the Vth's Time, then *Philip*, by that Accession, will, by all that Increase of Wealth, weigh so much more than *Charles V.* did, bating what he had from his other Dominions. If then *France* is indisputably a Match for the House of *Austria* now, supposing the House of *Austria* not to be possess'd of *Spain* and the *West-Indies*; then if a Prince of the House of *Bourbon* has *Spain* and the *West-Indies* too, it must, according to that Computation, be so far an Over-match for the House of *Austria*, as that Accession of *American* Wealth can make it. The Nearness of *France* and *Spain*, separated from each other only by a Ridge of Hills, makes this Strength multiply unspeakably. No Fleets wou'd then be required

* *Examiner* of Feb. 27. 1712.

to convoy Men, or Money, or Ammunition, from one Country to the other. There would be no Occasion of marching thro' distant Regions, subject to different Sovereigns; nor need any little Republicks, such as that of the *Grisons*, be complimented for Leave to pass. The Delays, Increase of Expence, and Disappointments in Time, which such Impediments as these occasion'd, were none of the least Causes, why the vast Designs of *Charles V.* and his Son *Philip II.* so often miscarry'd. *Henry VIII.* held the Balance between *France* and *Spain*, when *Charles* was possess'd of Dominions so disjointed. The *Examiner* supposes the Queen to hold the Balance, when *France* and *Spain* are joined in Territory, as well as in Power. Are these Cases at all alike? But this is the *Examiner's* own Suggestion. The Queen and the Ministry (who take thorough Pains to assure us, that the Monarchies shall not be united) are no ways concerned in it. With the *Examiner* therefore it shall be left.

Our *Observation* farther takes notice, that the Two Branches of the House of *Bourbon* are not likely to quarrel; and consequently, that their Power may the more probably be supposed to be united to destroy their Neighbours, as it was remarkably seen in the House of *Austria*, when *Spain* assisted the Emperors *Ferdinand II.* and *III.* to trample upon the Protestant Princes in *Germany*, whom they had certainly overrun, if God had not raised up *Gustavus Adolphus*, and sent him into *Germany*, where he stemmed the Tide. In Answer to this, the *Examiner* tells us, "It is our Interest they should NOT quarrel: For then it is probable they will not usurp upon, or invade one another, and so *France* and *Spain* will be still more divided than ever" *.

* Exam. Feb. 27. 1713.

This answers it self. If they quarrel, they cannot joyn to Oppress their Neighbours. If they do not quarrel they may. If they do not joyn with each other, the other Potentates of *Europe* will do well enough with them apart, and then if their Differences should be hearty, their Neighbours will not be wanting to fish in those troubled Waters, and so to hinder them from Usurping upon, or Invading one another. This is evident. For here the Question is not, Whether it is likely that they should molest one another, or not; but whether it is not likely that they should joyn against the rest of *Europe*.

The *Examiner* of March 30. 1713. calls this a *Blunder in History*. I do not ask whether this Expression be not a *Blunder in Common Sense*; since a Conjecture of what may hereafter happen, cannot be called a Mistake in *History*, which supposes a Thing to be already past. But let that pass. Says our Author, "He draws a Parallel between the Branches
" of the House of *Austria*, and those of the House
" of *Bourbon*; and because the first never quarrel-
" led, at the distance of several Kingdoms; the
" other must never be Jealous, or entertain mutual
" Suspicions, tho' they are bordering and contigu-
" ous". The *Author of the Observations* supposes,
" That *France* will Support *Spain* for its own Sake,
" and *Spain* will always return the Kindness as long
" as there is any ONE SINGLE Power in *Europe*,
" which by claiming under the House of *Austria*,
" shall pretend to the Succession of the *Spanish*
" Monarchy". That indeed is not the only Reason he gives, but it is the chiefest, and in his Opinion seems to be an unanswerable one. The Houses of *Austria* and *Savoy* have a Claim to *Spain*. Does any Body suppose they will quit all Thoughts of renewing their Claim hereafter, tho' it may
be

be given up to procure a Peace, any more than the King of *Poland* thought himself obliged to stand by the Peace of *Alt-Ranstadt*, when once the King of *Sweden* was safely lodged at *Bender*, and as he imagined not likely to give him any more Disturbance? When Princes are compelled by the Necessity of their Affairs to renounce their Claims, they will be mighty apt to think, that when that Necessity is removed, they are at Liberty to revive them. I do not say this is Right, but it is, and always has been the Way of the World. We may therefore very reasonably suppose, that the *Two Branches of the House of Bourbon* will stand by one another whenever any one Branch is warmly attacked. Not for any regard to the nearness or distance of their Territories; but because there is a Claim against one of them now in Being, which may affect both. The *Two Branches of the House of Austria* supported one another, tho' their Dominions lay at so vast a Distance, that the Expense was almost unsupportable; not because they were a *Kin*, but because each Branch had reciprocal Claims upon the others Estate in case of a Failure. We saw that, in the Conduct of the Emperor *Leopold*, after the Death of the King of *Spain* the other Day. The like we may rationally suppose of the *Two Branches of the House of Bourbon*, if proper Conjunctions should offer themselves.

Such another sharp Conclusion is this in the *Examiner* of Feb. 27. 1712. " You are so full of Speculations on this Subject, and you represent King Philip as so much of a Royal Boy, a Child in leading Strings, that I begin to think NO Accession of Power can make him formidable. . . . All this while, you forget where the Argument, such as it is, Pinches; for you should have made Philip a more terrible Youth, if you really intended

“ tended to obstruct the Peace”. Tais is directly against what the *Examiner* can be supposed to drive at. The weaker *Philip* is, the more likely it is, that he should be guided by *France*: The more he is under the Influence of the *French* Court, the stronger that Court is in *Spain*: And as to the Balance of Power, it is no Matter how many Heads there are, where there is but one Heart: It is not Names, but Things, that we are here to enquire after.

Another Reason for the Apprehensions of very many Persons, and of this *Observer* among the rest is, that possibly *Philip V's* Children now Born, may not hereafter think themselves bound by their Father's Act; and yet we are not certain that the *French* Nation will renounce *Philip* or his Children, tho' he in his own, and in his Childrens Name renounces them. This the *Examiner* of Feb. 27. says, would be a *Rebellion in the French*; in order to force *Philip* to be their King. And then he says, “ I wish
 “ you had suffer'd your New Friends to correct
 “ what you say Of the validity of indefeasible Allegi-
 “ ance, of Birthright not to be renounced, of Titles re-
 “ vivving after having lain dormant, and of preferring
 “ the right Succession to the Cause of Religion; of which
 “ you give us an Instance in the Case of Henry IV. and
 “ the Cardinal of Bourbon. I hope you will let
 “ them know, you never learned some of these
 “ Things among the *Tories*; and I should be glad
 “ to be satisfied, whether such Principles are only
 “ tolerated in *New Converts*”. The Reason of his giving himself these Airs is evident: And it is below any Man, who is really concerned for the Reputation of the Earl of N — m, to take Notice of them. But the Thing it self is of great Moment, and deserves to be set in a full and clear Light.

Now

Now the Case is this: That may be Rebellion in one Country, which is not so in another; and those may be fundamental Laws in one Kingdom, by which another Kingdom may not think it self in the least obliged to abide. In *France*, when *Lewis Hutin* died in the Year 1316, who left a Daughter, the States of the Realm met at *Paris* next Year, and solemnly swore to acknowledge no other King but his Brother *Philip V.*, surnamed *the Long*, and his Heirs Males, excluding all Daughters. * This they did in pursuance of what they called the *Salic Law*; by virtue of this Act of the States of *France*, *Charles the Fair* succeeded his Brother *Philip the Long*. When *Charles* died without Issue Male, *Edward III* of *England* claimed the Crown in Right of his Mother *Isabel*, Daughter of *Philip the Fair*, and Sister to the three last Kings, *Lewis Hutin*, *Philip the Long*, and *Charles the Fair*, who all

* We have a very just Account of this Matter in *Mezeray*, whose Words, because they are material, I shall transcribe. "La Succession de Masles à la Couronne, estoit establie, non par aucun Loy escrite, mais par la coustume inviolable des François: neantmoins parceque dans tous les autres Royanmes, & dans les grandes Fiefs les Filles succedoient, & qu'en France il ne s'estoit présenté depuis long temps aucune occasion de les exclure: les amis & les parents de la petite *Jeanné* [Fille de *Louïs Hutin*] particulièrement *Eudes Duc de Bourgongne*, frere de la deffuncte mere, estoient au guet, pretendant que le Fruiet de la Regne *Clemence* ne vinst pas à bien". *Mez. Abreg. Chron. ad An. 1316. p. 830.* *Q. Clemence*, whom *Lewis Hutin* left with Child, was brought to Bed some time after of a Son, who died within Eight Days; and so his Name is not registered in the Catalogue of their Kings. Thereupon the States met at *Paris*, and determined the Matter in 1317. "Les Etats assemblez à Paris, où se trouverent la plupart des Seigneurs, les Deputez des Communautéz & des Villes; & sur tout les Bourgeois & l'Université de Paris, jurerent entre les mains du Chancelier, (c'estoit *Pierre d'Arablay* depuis Cardinal) de ne reconnoistre point d'autre Roy que *Philippe* & les heirs males, à l'Exclusion des Filles". *Id. ibid. p. 832, 833.*

died

died without Issue Male. Then the Case was adjudged anew in Favour of *Philip of Valois*, Cousin-German to the deceased King, and next Heir Male *. By that Judgment the *French* have, to this Day, thought themselves obliged to stand. They have never once broke into it : The victorious Arms of our *Edward III.* and *Henry V.* could not prevail against it. When the *House of Valois* failed, *Henry of Bourbon*, then King of *Navarre*, the next Heir Male, was set up by the Body of the Papists, as well as Protestants, (tho' he then profess the Protestant Religion,) against his Uncle, the Cardinal of *Bourbon*, whom the *Leaguers* set up, in order to exclude *Henry* upon account of his Religion. It is plain by this, that the *French* Nation looked upon it as the Fundamental Law of their Country, that the NEXT Heir-Male of the Blood-Royal should succeed in his turn. The present King of *France* has broke thro' the Laws of his Country, (and the *Salic* Law in particular) in this, as well as many other Particulars, and made himself Absolute. But what the *French* will do, after

* Of this New Adjudication of this important Cause, *Mezeray* gives us the following Account. “ Les Pairs, & hauts Barons fuerent convoquez à Paris, incontinent après la Mort de Charles, pour cette grande Question. Les Brigues y agirent de une part, & d'autre avec tous les Efforts possibles : Robert d'Artois Comte de Beaumont, dont le Rang, l'Eloquence, & la Reputation pouvoient beaucoup sur l'Assemblée, s'y employoit de tout Son pouvoir pour Philippe, parce qu'il pensoit que l'advantage qu'auroit ce Prince, luy serviroit de prejuge dans la Cause contre Mahaud. Enfin, ses vehementes Persuasions, la force de la Coustume salique, tres conforme à la Loy de la Nature, & la hayne que les François avoient pour la Domination estrangere, obligerent l'Assemblée de conserver le Droit des Masles, & de prononcer que la Couronne appartenoit à Philippe. Edoiard acquiesça à l'Arrest, & le confirma par plusieurs Actes durant quelques Années. *Mezer. Abreg. Chron. ad an. 1328. p. 3.*

he is dead, provided the Dauphin leaves no Issue-Male behind him, we cannot tell. Strains of Government, especially over a sprightly and a vigorous Nation, when once the Rod is removed off their Backs, often produce surprising Effects. It seems to have been for this Reason, that the *Author of the Observations* laid so much stress upon the French Nation's not, having, by any Act of their own, ABROGATED the *Salic Law*, by consenting to the Renunciation of *Philip of Spain*, in behalf, not of himself only, but also of his Sons born, or to be born. I say, ABROGATED the *Salic Law*, which did not barely consist in excluding Females, but in substituting the next Heir-Male in the room of the King deceased.

In *England* the Case is otherwise : In the 13th Year of *Queen Elizabeth*, a Law past to make it *High-Treason* for any Person, during the Queen's-Life, to affirm that the Queen and Parliament could not alter the Succession ; and forfeiture of Goods and Chattels for any Person AFTER HER DECEASE to assert the same †. This Law stands still unrepealed : It should stand in our *Statute Books*, but (for what Reason I do not pretend to guess,) it is left out in late Editions, as if it was only a temporary Law, and a partial Abridgment put in its place ||. In pursuance of this Law, the Succession to the Crown of *Great Britain* is settled in a Parliamentary Way upon the House of *Hanover*, in default of Issue of the Queen's Body, and an *Abjuration of the Pretender* has been Enacted, and put in Execution. The next Heir-Male therefore in France may have an Indefeasible Right to the Allegiance of the French Nation ; and the French Nation may

† See Appendix, Letter A.

|| See Appendix, Letter B.

have the same Indefeasible Right to his Government^{*}; whereas in Great Britain there is no such Thing as an Indefeasible Right of Succession to the Crown. There is properly speaking now no Lineal Heir in bar to the Act of Settlement, by which the Succession is limited. Indeed, had there been no such Act of Settlement, the Common Laws of this Realm would have directed the Right of the Crown of England, to speak in the Stile of the Act of the 13th of Queen Elizabeth, and then the Direction would have been for the Lineal Heir of either Sex to have succeeded, as it is in many other Countries; and accordingly when Queen Elizabeth did not declare Her Successor, King James I. as next Heir succeeded Her without more ado. This is a full Justification of all that our Author says concerning the Invalidity of that pompous Renunciation of King Philip, with relation to the French Nation, if a proper Conjecture should ever happen.

The Examiner of Feb. 27. says, That Scraps and Parallels from History have been marshalled together upon this Occasion. If the Parallels be really Parallels, (and if not, why does he call them so?) they do what Parallels should do, *i. e.* they shew from what has really happened, what may probably happen again. If the House of Bourbon has made a Jest of Renunciations formerly, may it not, when it judges it to be for its Advantage, do so hereafter?

But the Peace is made, and there's an End. True Englishmen do not dispute Her Majesty's Authority, and we know it is part of Her Prerogative to make Peace or War. The Author of the Observations seems only to have designed to put the British Parliament in mind of the Necessity of being upon

^{*} Observ. p. 14.

its Guard against the *Pretender*, upon a Supposition that He might not be entirely deserted by *France*, no more than King *James II.* was upon the Peace of *Ryswick*; and of advising Her Majesty to cultivate Her Alliances with Her Protestant Allies, and to allay the Fears which Men think they justly entertain of a growing Interest among us, which if once it should get the Upper Hand, would overthrow both our Religion and Liberty. The immediate Reason of his Apprehensions arose (*as he said*) from the Prospect we have of Things in *Scotland*. I find all his Answerers agree in the Matter of Fact. They allow that the *Episcopalians* do almost to a Man refuse to abjure the Pretender, and that great Numbers of the *Presbyterians* hold out. What possible Scruples can the *Presbyterians* entertain of an Oath to abjure the Pretender, as if it could any ways contradict or weaken their Church Government? What has the Title of a Crown to do with the Government of a Church? At this Time of Day we may justly apply what our Saviour said, in another Case, *He that is not with us, is against us, and he that gathereth not with us, scattereth.* The Examiner, perhaps, will call this a Proverb, as he did another Saying of our Blessed Saviour, which was quoted upon a very grave and solemn Occasion, in the *Observations*, when he compared it with another poor Mechanick Saying, which he seems to have fetcht from the Nation that he so frequently delights to Insult *.

* “ If our Allies the *Dutch* have used us worse, in the Woollen Trade, than the *French* did when they had *Lisle*, which neither They nor You will ever be able to disprove, You who are so fond of PROVERBS, inead of straining at Gnats, and swallowing Camels, may put down, *The Duce a Barrel the better Herring*”. (*Examiner* of Feb. 27. 1713) This is left with the Examiner’s Conscience, I shall say nothing to it.

It cannot therefore, in my Opinion, be apprehended to be undutiful to take notice of some Addresses which were presented to Her Majesty from some considerable Bodies in *Scotland* not very long ago. I shall mention but Three: One from *Inverbervie*, one from *Edinburgh*, and one from *Perth*. They are all printed in the *Gazette*. The Men of *Inverbervie* “ particularly pray Her Majesty, that
 “ when *Britain* shall be so unhappy as to be deprived of her benign Government, and when it
 “ shall please the great King of Kings to exchange
 “ Her Temporal for an Eternal Crown, She may
 “ be directed to let her Scepter, like ripe Fruit, drop into the Hands of a legal and rightful Successor, who
 “ succeeding by her Care, may govern by her Example, that so the Glory of her most Auspicious
 “ Reign may be celebrated by all Foreign Nations
 “ Abroad, and the happy Fruits thereof ever enjoyed by her loyal Subjects at Home, in a perpetual and just Subjection”. The good Town of *Edinburgh* tells her Majesty, that the Faction (by which they must mean the late Ministry or nothing) plainly designed the Overthrow of Hereditary Monarchy; and they reckon it among the Miracles which they had lately seen, that now the Hereditary Right of the Royal Succession is asserted. The *Perth*-Men “ implore the
 “ God of Heaven to continue Her Majesty long a
 “ Blessing to these Nations: and when She has effected the great and glorious Things for which
 “ the Almighty has appointed Her to govern, and
 “ fixed Church and Monarchy so, as the Gates of
 “ Hell shall not prevail against them; that Her
 “ Royal Diadem may PEACEABLY FALL UP-
 “ ON THEIR HEAD, WHO BY THE LAWS
 “ OF GOD AND THE NATION HAVE
 “ RIGHT TO INHERIT IT”. In none of these Addresses is there one word of the House of
 2
Hanover.

Hanover. *Lineal Successors, Legal and Rightful Successors,* and those *who by the Laws of God and the Nation have a Right to inherit* the Royal Diadem, are mentioned with great Pomp. There needs little commenting upon this. The Thing speaks it self; And if the *House of Hanover* be not *meant* by the Successor here pray'd for, (and if meant, why not named?) It strikes as directly against the Queen, as it do's against the *House of Hanover*. The *Ministers* indeed who presented these *Addresses*, which were afterwards published in the *Gazette*, might alledge in their own Justification; that they apprehended none of Her Majesty's good Subjects were to be disgusted by them; and that a good Use may be made of these *Addresses*; which is, that from them the Parliament may plainly see who are for the Constitution, the Laws, and the Protestant Succession, and who are not. This is an excellent Use, and it is what every Man that wishes well to his Country will be pleased to find made of them.

It seems to have been with a View to these Things, and the others therein specified, that our *Observer* says, "The Imposition of the New Oaths has shewn what the *Scotish* Nation would be at: and if for no other Reason, the Imposition of those Oaths was necessary at this time, that *England* may see how the *Scotish* Nation stands affected"*. Hereupon the *Examiner* of *March 30.* makes this notable Remark. "The *Observer* is as great a Casuist as a Statesman. He talks of imposing Oaths, for no other Reason but to see how a Nation stands affected. Certainly the Pious Person already hinted at, understands *Sanderson* better, than to make an Oath a *Political Touchstone*,

* *Obs.* p. 27.

“ *instead of a Case of Conscience*”. How an Oath can be a Case of Conscience, I would be glad to be inform’d. It may indeed be a Case of Conscience, whether an Oath at any Time impos’d can be lawfully taken or not. But, without waiting for such Information, I shall come directly to the Thing itself. And here I desire to know, Whether Oaths of Allegiance, of which we are now treating, have not always been impos’d in order to make the Imposers secure of the Fidelity of the Persons who were oblig’d to take them? Were not the Oaths of Allegiance and Supremacy impos’d in England, long before the Revolution, that our Princes might be secure of the Allegiance of their Subjects, and satisfy’d that they would own the Regal Supremacy in Matters Ecclesiastical; both which are disputed, and the Supremacy expressly claimed, by the See of Rome? Have not all Nations practis’d this upon all Occasions, as believing that the Dread of the Divine Majesty, solemnly invoked to attest our Belief or our Sincerity by an Oath, would have a greater Influence upon our Consciences and our Practices than any other Temporal Arguments would have? And is not this Method constantly taken, when there are Claims on Foot, in prejudice to the Claim of the Sovereign in possession? If there is Reason to doubt of the Disaffection of the *Scotish* Nation to the present Settlement, shall a *British* Parliament be afraid to make them declare themselves upon that important Question, and purge themselves by Oath of the Disaffection with which they are charged? When the *English* Nation has willingly shewn its Zeal for the Protestant Succession by Abjuring the Pretender, in favour of the House of *Hanover*, what Colour, what Pretence can the *Scotish* Nation alledge to be excus’d? This is too weighty a Matter even for the *Examiner* to jest withall,

And

And now I have very little more to say to him; what I have, I shall chuse to say in this place. *The States-General* are, in these *Observations* which I have undertaken to defend, said to be, at this Time, *NEXT TO US*, the greatest Support of the Protestant Interest in Europe. And our *Observer* declares, that he shall not be afraid to assert, that the Preservation of the Protestant Religion has been, under God, owing to that Commonwealth; and that if the Dutch could not have stood without *Q. Eliz.* she could as little have stood without them *. These Things raise the *Examiner's* Indignation; and "he is sorry that this Author cannot afford to put his own Country at the Head of the Protestant Interest: which he is sure might easily be done, if we could once prove, that a poor distressed State was by no means equal to the greatest Princess in the World †". I am glad to see that the *Examiner* thinks it a Point of Honour for the Queen of Great Britain to be at the Head of the Protestant Interest, and upon that account he shall be forgiven the rest; for in truth in this Matter, he, and all that love their Country, must. And when the *Observer* says *NEXT TO*

* *Ibid.* p. 20. This last Passage I find gives Offence to Mr. *Sewell*, who says, "That it can no more be said that the Dutch supported Queen *Elizabeth*, than that Prince *Ragotski* supported the King of France, that is, very remotely and by consequence". *Sewell's Remarks*, p. 23. A small Ally supports a greater so far as he diverts the Enemy, by calling some part of his Force upon himself. The vast Sums which have been remitted from France into Hungary from the first Insurrections of the Malecontents under Count *Tekeli*, to this present Time, were certainly sent to enable them to make a Diversion, and to keep the House of Austria employ'd on that side; That was truly assisting, which in this Case we may call Supporting, the King of France; unless we shall suppose that the Money was sent to the Hungarians for their good Looks.

† *Examiner*, Febr. 27. 1712.

US, he puts Queen *Elizabeth*, and consequently his own Country, at the Head of the Protestant Interest. That the *States-General* were then the *Distressed States*; and that Queen *Elizabeth* was then the greatest Princess in the Christian World, is most certain. But if those *Distressed States* had not with an unexampled Steadiness asserted their legal Rights which *Philip II.* invaded against his own Act and Deed made and sworn to, in the most solemn manner possible in the *Joyful Entry*, that Prince would have been at liberty to pursue the Designs which he had so much at Heart, of extirpating the *Northern Heresy*, by falling upon Queen *Elizabeth*, with all his Weight. He struck up a sudden Peace with *Henry II.* of *France*, after the Battel of *S. Quintin*, with a Design (as it was then generally believed) to have fall'n upon the Hereticks jointly. What *Henry II.* intended as to Queen *Elizabeth*, may be gather'd from what his Son *Francis II.* then *Dauphin*, did after Queen *Mary's* Death. For he immediately Quarter'd the Arms of *England* with those of *Scotland* in Right of *Mary Q.* of *Scots* his Wife, whose Claim to the Crown of *England* he thereby asserted, and consequently affirmed Queen *Elizabeth* to be Illegitimate. If *Philip II.* could have compass'd his Design of Marrying Queen *Elizabeth*, then indeed that Claim must have sunk, or the two Crowns of *France* and *Spain* must immediately have entred into a War. And even when that Princess would not listen to his Proposals, he opposed *France* in that Particular vigorously, and notwithstanding his Zeal for Popery, could not bear to see *France* and *England* under one Head. But tho' he would not suffer *France* to gain that acquisition of Strength, he pursued his Design of trampling upon the Liberties of the *Netherlands*. It has been often observ'd, that the Expence of Men and Treasure, which his obstinate pursuing that De-

sign cost him, made all his other Designs abortive ; so that excepting that he seiz'd upon *Portugal* after the Cardinal King *Don Henry's* Death, he could never bring any thing else to bear to his Mind during his long Reign. But had he not had such a Diversion in *Flanders*, do we think that Queen *Elizabeth* could have stood against him? The Steadiness of the *Dutch* made her Assistances to them to become effectual ; and without those Assistances from her, that Steadiness must have been successless. They mutually therefore supported each other. The *Dutch* were inspir'd with Courage, to bear up against the Force of *Spain*, and Queen *Elizabeth* was never wanting to her self as well as them, to assist and back that Courage.

That the Assistance which the *Dutch* gave her, was a real and effectual Assistance, and that too in the Day of the greatest and the most imminent Danger, is plain from what they did in 1588, when they diverted the Duke of *Parma* from assisting the invincible Armada, (as the *Spaniards* were pleas'd to call it,) and by the Guard which they kept with their Squadron off of *Dunkirk*, stopt the Forces which lay ready in the *Netherlands* to land in *England*, as was at first projected *. This Diversion
which

* Hispani illico, ut sæpius antea, crebrioribus nuntiis Ducem Parmensem urgent, ut XL *Flebotas*, id est, *leviora navigiola* mitteret, sine quibus commodè cum Anglis configere non possent, ob nimiam Hispanicarum navium magnitudinem & tarditatem, & summam Anglicarum agilitatem : Majoremque in modum rogant, ut mari se cum suo Exercitu committeret, quem quasi sub alis Hispanica classis (ita enim deliberatum erat) protegeret, donec in Angliâ terram conscenderet. Ille autem imparatus ad nuntium adesse non poterat, carinæ pandæ alveis planioribus, rimis fatiscabant, res annonaria deerat, nautæ inviti hastenus detenti, se subdlexerant. Imminebant etiam portubus *Dunkerckæ* & *Neu-
porti*,

which the *Dutch* made at that Time was so seasonable, that the *Spaniards* laid the Fault of their ill Success upon the Duke of *Parma's* Negligence †. And yet it was well known, that he did all he could to assist them, in a Design to which he had long and earnestly incited them; as knowing, that unless *England* was subdued, the *Netherlands* could never, or not without extreme Difficulty be reduced ||.

Such another Cavil is that, where he says, that the *Observer* "has made a false Muster of the Protestant Forces: that we have lost the *Palatine House* and *Saxony*: that the ONLY Two Protestant Powers in *Germany* are *Hanover* and *Brandenburgh*: so that the Burden of the Work must rest upon *England* and *Holland*. And he says the Author do's well to forget the Protestant Powers of the North"*. Now I must declare, that I do not see wherein the *Observer* is here to blame. If there has been a false Muster here, it is not such a one as is usually made by those that would, as *Archbp. Tillotson* somewhere says, *Lye for the Truth*: It is short of it, it seems, which is very extraordi-

porti, unde solvendum erat, naves bellicæ Hollandorum & Zelandorum majoribus tormentis & sclopetariis adeo instructæ, ut oram solvere non possiet, nisi in perniciem ante oculos positam, &c & suos sciens & prudens conjiceret. Nec quicquam tamen omittere videbatur. Vir navus & industrius, cupiditate Angliam debellandi inflammatus. *Camden. Hist. Elisab. ad an. 1588. p. 491. edit. Lond. P. 530, 531. edit. Lug. Bat.*

† Hispani reduces hanc infelicitatem Parmensis incuriæ & obsequiosæ suæ ipsorum prudentiæ imputarunt. *Id. ibid. p. 494. ed. Lond. P. 535. edit. Lug. Bat.*

|| Juxta cum Alvaro Bassano sensit Parmensis, qui hanc expeditionem maximopere urgebat. *Id. ibid. p. 478. ed. Lond. P. 516. edit. Lug. Bat.*

* *Examiner*, Feb. 27. 1712.

nary; and the more so, because it is not very easy to assign any real Reason why this Author should conceal their Strength. One would think he should rather say with *Moses*, *Would God that all the Lord's People were Prophets!* But the worst of it is, and so God has been pleased to suffer it for the Sins of the Protestants for these last Hundred Years, that they have been all that Time losing Ground; and what this Observator says is literally true; and to make it appear otherwise, his Words are misquoted by the *Examiner*. His Words are these: "For God's sake let us look into *Germany* a little: *Saxony* is lost, we may say irreparably, when the Electoral Prince once Abjures his Religion, which we expect every Post to hear he will. The *Palatine* House has left us a good while ago. There are now but two Protestant Powers in *Germany* of any great Weight, *Hanover* and *Brandenburgh*"*. Is not the *Examiner* now a very accurate Quoter? Upon a Supposition, that the Electoral Prince of *Saxony* would Abjure the Protestant Religion, (which there was great Reason to fear he would at that Time,) it was observed that there were but Two Protestant Powers in *Germany* of any great Weight, *Hanover* and *Brandenburgh*. Says the *Examiner*, the *Observer* says there are only Two Protestant Powers in *Germany*, *Hanover* and *Brandenburgh*. Is there no difference between only two, and two of any great weight? This is too gross to be descanted upon; and when remarked, returns upon the Author. This way of writing Controversy will never convert an Unbeliever, that has his Eyes in his Head.

* *Observat.* pagg. 20, 21.

What he says of the *Northern Crowns* is nothing to the Purpose. Their mutual Jealousies, and implacable Animosities, instead of adding any great Weight to the Protestant Interest, serve only to keep the rest of the Powers of *Europe*, especially the Maritime Ones, employed, in hindring one of them from Eating up the other, and so by engrossing the *Baltic* into one Hand, making all the Trade of that Part of the World precarious. Tho' the Readiness which the King of *Denmark* has shewed to lend his Troops to the Allies this War, as long as he could possibly spare them, deserves great Commendation. Of this too the *Examiner* is not Ignorant, only he thinks it proper to raise all the Dust he can, wherever he thinks he has an Opportunity.

But of all the Things which are hinted at in the *Observations*, nothing has given those who have put themselves to the Trouble of *remarking* upon them, or *examining* them, more Opportunity of shewing their Eloquence than the following Paragraph. "In truth, I have often thought, that the Fall of that Ministry was a just Judgment of GOD upon them for their Remissness, in not giving what Check they could to the horrid Course of those vile and irreligious Books which appeared at that Time; and I fear it is no Breach of Charity to say, that some leading Men amongst them, whilst they laboured to appear to be *English-Men*, forgot sometimes that they were *Christians* *". This has been a rare Topic for Declamation, and they have not failed to make the most of it. It is plain, that this *Observer* makes no Scruple of declaring, that in this Parti-

* *Observ.* p. 25

cular the late Ministry, in his Opinion, did not so much as they might, and as they ought to have done, towards suppressing those vile and irreligious Books which then swarmed, which offended GOD, and affronted a Body of Men who are set apart to serve at his Altar, whereby such a Dissatisfaction was raised, as did not a little contribute to their Ruin. Whether his Notion be right I shall not examine. This I am sure, that Things they could not help were laid to their Charge, as well as Things, which perhaps they could have helped, if they had exerted themselves so much as they should have done. Be that as it will, the little that has been proved against them, since they were turned out, by those who have manifested no manner of Inclination to spare them, does in the main demonstrate, that they acted as became Men that were true Lovers of their Country, and zealous for the Honour of their Mistress who employed them: And what was done under their Administration, by the *British* Nation, in defence of the Protestant Religion, and the Liberties of *Europe*, will not be mentioned in the next Generation with Contempt. *Blenheim*, and *Ramellies*, *Oudenard*, and *Malplaquet*, *Lisfe* and *Tournay*, will not hereafter be looked upon as BLEMISHES to the Glory of Her Majesty's Reign. And it is at least owing to that Ministry, that the *Great Lewis* did not *always* pretend to GIVE Peace to *Europe*. But after all, as to the Matter in Hand, The late Ministry have this to say, That the Laws are extremely deficient in this Particular, and that this Deficiency was prior to their Administration: That it is not easy many Times to find out the Author of a villainous Book: That when he is found out, his Expressions may be so cautiously worded, that legal Prosecutions cannot be carried on against him: That

That those Books usually do most Mischief, where the Authors lye the safest under the shelter of ambiguous Expressions, artificial Savings, studied Allegories, feigned Narrations, with all those innumerable Ways by which cunning Writers know how to spread their Poison, and preserve themselves : That they must remind these zealous Gentlemen, that there have been as open and as outrageous Publications of Mens FREE-THOUGHTS against God, and against revealed Religion in general, under this Ministry as ever there were under the last : That this Ministry would think themselves unjustly used, if, because they have not suppressed them, they should be charged with conniving at them : That Books may be Dedicated to great Men, even against their express Commands ; and that they ought not, for that Reason, to be accused of Patronizing the Doctrines in those Books contained : † That those Noble Lords to whom Mr. Cl — n's Book, *against the Trinity*, is dedicated, are not accountable for what is in it, unless they actually encouraged the Dedication, after they knew the Design of the Book ; any more than that other Noble Lord, to whom the *Tale of the Tub* is inscribed, can in Justice, for that Reason, be supposed to allow of the horrible Impieties contained in that Allegory : These, and a great many other Things more may be said in their Excuse. The Laws were defective then, and are not otherwise still. However, thus far I must agree with this *Observer*, that I cannot but lament that Men,

† I am very credibly informed, That one of those great Men to whom Mr. Cl — n's Book is dedicated, particularly desired, That if it were Printed, his Name might not be set to it ; and gave no Encouragement to its Publication ; and that the other knew nothing of it, before it was Printed.

who in so many other Things served their Country faithfully, did not in this Particular shew that hearty Zeal for the *Christian Religion* in general, and for the Constitution of the Church of *England* in particular, which the Importance of the Thing required. But the continuance of this Evil so long since the Expiration of the Power of the late Ministry, leads us to suppose, that it is not easily cured. Nay, tho' Her Majesty recommended the redressing of it last Sessions to Her Parliament, yet they left it unfinished.

From all these Things laid together, it seems no ways improper at this Time of Day to appeal to the *Tories* of *England*. By *Tories* we commonly understand those that opposed the late Ministry in the Parliament House, and in Elections in the Country. Now by their joyning with the *Whiggs* to settle the Succession, according to the Power given them by our Laws, and to get such Oaths enacted, as might oblige the People in Conscience to stand by that Settlement, and by taking those Oaths after they were enacted; as also by advising Her Majesty to pursue the War against *France*, which was in effect to pursue the War against the *Pretender*, and contributing with their Persons and Purse cheerfully to make that Advice effectual, they shewed that they were sincere in what they did. They demonstrated their Affection to the Constitution in Church and State, as by Law Established, and they put it beyond Contradiction, that they wished well in their Hearts no more to *Popery*, and a *French Power*, than they did to *Presbytery*, and a *Commonwealth*; since it is morally impossible that Men in their Wits, can by any of these Things propose to bring that in, which these Things were rightly calculated to keep out.

Thus

Thus far then, the Tories all along joined with the Whigs, and thus far they ought still to joyn with them. The *Whigs* deny that they were ever against the *House of Hanover*; and it is ridiculous to think they were; They must in so doing have cut the Grass under their own Feet, and have destroyed the only consistent Design they can ever be supposed to have had. If any Persons have unhappily made the *House of Hanover*, or the unwary Part of the Nation, suspect the *Tories as such* to have been *Jacobites* in their Hearts, they have done the Nation, and eventually themselves a great deal of Damage.

Since therefore the *Tories, as such*, may properly be address'd to, by those that are hearty Friends to the Protestant Succession; all that we have to desire of them, is only to be upon their Guard, and to see with their own Eyes, and not with the Eyes of other People. It is the Interest of those who wish well to the *Pretender*, to possess the *Tories* with a firm Opinion, that there is no manner of danger of his Interest's getting ground among us; that the *Scottish Jacobites* are a weak insignificant Body of Men, and that none but *Whigs*, (by whom they would be thought to mean *Republicans*, and *Dissenters*, who would willingly joyn with the *Republicans* to overthrow the *Church*) can think or endeavour to make others think that there is any Danger from the *Pretender*. This is the *Jacobites* Game. This they skilfully play. When the *Whigs* therefore shew themselves Friends to their Religion, and to their Country, not to hearken to their Admonitions, because we had, or thought we had, Reason to suspect them, is downright Madness.

If therefore any of the *Tories* have in these particulars joined with the *Whigs*, it can by no means be called *going over*: Nor have they herein

left their Old Party, since they have acted consistently with the Declarations, and the Actions of the Tories, during the last War for near Ten Years together. And after all, if it must be called *going over*, it is an Honourable *going over*, and what Honest Men ought to be so far from being ashamed of, that it is indeed, and will be hereafter thought by Posterity to be their greatest Glory.

I have now done with the *Observations*. Since they have been ascribed to the E-1 of *Nottingham*, and since that Report has been industriously spread by those, who, (as I have some Reason to think) did not believe it themselves, I thought it worth the while to examine them with Care. And since there is very little in them, which can be justly found fault with, for the Name's Sake which they have so long born, I was willing to say what I could in their Defense. I now come to that which was the principal Part of my Design, which was to vindicate that great Man from the Aspersions which have been cast upon him on that Account. What relates to his leaving his Old Friends has been spoken to already. What farther needs be said, will properly come in, when the Calumnies which are so plentifully spread in several of *De Foe's* Papers, come to be examin'd. *De Foe* charges his Lordship "with falling injuriously upon the Presbyterians of *Scotland*; with Insulting the *English* Protestant Dissenters, as under the Feet of the *High-Church*; with clearing the Tories from being Jacobites; with assisting to amuse the already distracted Nation". He accuseth him likewise of doing the Business of *France*, and the like. He insults the Whigs for making Prostitutions, for carrying over two Millions of Dissenters, whom they laid as a Sacrifice of Atonement, at the Feet of

of the New *Idolatry*, (as he elegantly expresses it) for betraying them, buying and selling them, bartering them for a Mush-room, and in a word for giving them up into Captivity. Now all this is raked together, in four successive Papers * for the following Reason. In the Year 1703, *De Foe*, who has since writ the *Reviews*, put out a Libel, Entituled, *The Shortest Way with the Dissenters*; wherein under the Person of a *Jacobite*, he exhorts the Government to persecute the Dissenters, to banish or hang up their Teachers, and to force them to come to Church. The Design in this was not to amuse, but to inflame a distracted Nation: This being easily seen thro', great Endeavours were used to find out the Author. In no long Time it was known who writ it; and *De Foe* alledged in his own Defense, that he personated the Enemy, and said only what the Adversary wished, and therefore that a good Use might be made of it, and that he being a known Dissenter, could not be supposed to do it with any other Design. However, an Information was brought against him, and he was found guilty of Writing against the Publick Peace, and was accordingly set in the Pillory. My Lord Nottingham was then Secretary of State; and so the Prosecution was layed at his Door. This is the Pretense of *De Foe's* Rage at present. Let us see now, whether he has any Cause to be so very angry.

It is certain, that a more compendious Way could not well have been imagined to have thrown us into Confusion at that Time, than the Way that he took. The Parliament had been warmly divided about the *Occasional Bill* the Winter before. The *Dissenters* had been made

* Review, Feb. 21, 24, 26, 28.

to believe, that the Toleration was struck at in that Bill: The War was newly begun, and what Turns it would take, no Man could then foresee. That GOD would bless the Arms of the Allies to that degree, as he afterwards did, was scarce hoped for. The *Dissenters* being chiefly a Trading People, and their Concerns by consequence lying for the most part in Money, this would probably tempt them to withdraw all their Effects out of the Hands of the Government as soon as they could. That would have weakened the Common Cause exceedingly at that Time of Day; nor can any one see what Interest this could possibly serve but the *French King's*, and the Pretender's. Could the Author of that Libel have been thoroughly concealed, it might have produced pernicious Effects, and we might in all probability have seen *De Foe* open against this Scarecrow of his own erecting with great Fury. But he was discovered, and accordingly punished. If that Noble Lord encouraged the Prosecution, he acted as became an Honest Man, who was an immediate Servant of Her Majesty, and also pursuant to his known and avowed Principles. For in 1689, out of a Principle of Conscience, and because he thought it just in it self, that Men should not be molested in their Worship of GOD (provided they did not make any Opposition to the Established Church, or weaken the Civil Power) he brought the *Toleration Act* into the *House of Lords*, when he was Secretary of State to their late Majesties, and then solicited it with Vigour. And he has been known to express himself with great Satisfaction for what he did at that Time, on that Occasion. He has done this so often, and in so publick a Manner, that

none who have conversed familiarly with him, are Ignorant of it.

But then, as the *Toleration Act* was designed only for those that wanted it, not for those that wanted it not; so he rightly judged, that if *Occasional Conformity* was forbidden by Law, it would be impossible for any Persons who shewed themselves to be well affected to the Dissenters, by going sometimes to their Meetings, to assist in any Act to overthrow the Church, by getting into Places of Trust, which by Communicating with us they might be qualified to hold. This was the unanimous Opinion of the Tories, and of that Noble Lord among the rest, in the Year 1702, when the Bill was first brought in to Parliament. Why the Lords did not agree *To the Bill against Occasional Conformity*, as brought in by the *Commons* in 1702, is well known, from the Reasons they gave of their Disagreement, which were Printed by their Lordships Order, at that Time. After a second Struggle in 1703, and the miscarriage of the Attempt to tack it to a Money Bill in 1704, the Matter dropt. Now since both Parties agreed, that such a Bill was necessary to make the Church of *England* safe, provided it could be so drawn, that it might plainly appear, that the *Toleration* was not in the least struck at; two Years ago this Noble Lord brought in a *Bill*, which effectually answered both those Purposes.

The *Toleration Act* was not only secured but enforced, with a particular License to any Dissenting Minister to teach in any separate Congregation throughout *England*, tho' it should be out of the Country wherein he was at first qualified, provided he observed the Rules therein directed.

rected. This was so far from *Sacrificing them to any single Man's Ambition*, that it was in Truth a securing them in their Religious Properties, at the same Time that the Church of *England* was made Safe in a Particular which its Members had so much at Heart.

The opprobrious Language which the *Reviewer* pours forth so plentifully upon this Occasion, shews that his Design is only to inflame the Dissenters against those who are in Truth their best Friends. Their Toleration is securer than ever it was. If they will Conform, their Conversion will be rewarded here, as well as hereafter. The Penalties are extremely mitigated from what they were in the *Occasional Bill* of 1702 *, and in short they have no Hardship put upon them, in any one Particular more than they had in the Toleration-Act, which pass'd in 1689.

The Dissenters therefore have no Reason to be angry with any of those who joined in Passing this Bill. They are not Fools: they know what is Liberty, and what is License; they know likewise that Liberty is all that they can in Reason and Justice desire. And as it is their Interest to make the Church of *England* easy, so there is no manner of Doubt but they will labour so to do.

It is worth observing upon this Occasion, that the *Reviewer* here raises the Number of the Dissenters as much too high, as he had sunk them for-

* The Penalty in the *Occasional Bill* that was brought in in 1702, was 100*l.* and 5*l.* a Day that any such Person or Persons shall continue in the Execution of such Office or Employment, after he or they shall have been at a Conventicle. Whereas by the New Act, the Penalty is only 40*l.*

merly too low in the *Shortest Way with the Dissenters*. By the highest Calculations that have ever been made of the People of *England*, by Men that understood what they talk'd about, they have never been suppos'd to come up to Eight Millions : It is not thought they are much above Seven. The Protestant Dissenters are certainly not a 7th Part ; some think scarce a 10th ; whereas if they are effective Two Millions, they are almost a Third. It is easy to know why he magnifies their Numbers. It is to raise up a Spirit of Discontent among them, which upon a proper Opportunity may discover it self. But I trust God will prevent such Designs, and give them Grace to understand and pursue their best and truest Interests.

The Insinuations that this Noble Lord, when he was a Minister of State, was in the *French* Interest, destroy themselves. It is known that in the late Reign his Enemies wanted no Inclination to have destroy'd him, if they could have told how. Yet then (as has been hinted already) he would not quit his Place, tho' he was earnestly press'd to it, and chose to have the Seals taken from him, as resolving to give no Occasion to any of those that wish'd him ill, to think that he had done any thing for which he needed to be afraid. He was indeed at first against the *Abdication*, because he apprehended that the *Convention* was not vested with a legal Power sufficient to warrant what they did. But when the Thing was done, he knew the Constitution of the *English* Government required Obedience to the Prince upon the Throne ; and accordingly he not only submitted, but acted under it. The Truth is, he is known never to have been sparing to declare his Opinion of what he thought amiss. He never consider'd Party in that Case, but
vigo-

vigorously oppos'd what he could not come into. A Man that will constantly and steadily do that, must expect to meet with Enemies; but then knowing the Sincerity of his Heart, he rests satisfy'd with that, and trusts Providence with the Success; since whatsoever the Event may be, he is sure that he has at least acted according to his Conscience, and so discharged himself of the Obligation he lay under of giving faithful Advice where it was his Duty, and his Business to give it. He goes not in that Case over to those that before oppos'd him; but if he meets them in his way, he do's not for that Reason go out of it; nor do's he refuse their Assistance, when he thinks, and so far as he thinks, they are in the Right, because he formerly used to oppose them. In short, it is Things, and Propositions, not Men and Parties that such a Man adheres to, and he is contented to serve his Country sometimes against their Wills, as knowing that when Passion and Party-Rage shall cease, he shall not want his Reward even from those, that perhaps at the Time when he contradicts them, treat him with the greatest Severity.

A P P E N D I X.

LETTER A.

*Clause in a Statute made in the Thirteenth Year
of Queen Elizabeth, Cap. 1.*

“ AND be it further Enacted, That if any Per-
 “ son shall in any-wise hold and affirm, or
 “ maintain, that the Common Laws of this
 “ Realm, not alter’d by Parliament, ought not to
 “ direct the Right of the Crown of *England*, or
 “ that our said Sovereign Lady *Elizabeth* the
 “ Queen’s Majesty that now is, with and by the
 “ Authority of the Parliament of *England*, is not
 “ able to make Laws and Statutes of sufficient
 “ Force and Validity, to limit and bind the Crown
 “ of this Realm, and the Descent, Limitation, In-
 “ heritance and Government thereof; or that this
 “ present Statute, or any Part thereof, or any other
 “ Statute to be made by the Authority of the Par-
 “ liament of *England*, with the Royal Assent of
 “ our said Sovereign Lady the Queen, is not, are
 “ not, or shall not, or ought not to be for ever of
 “ good and sufficient Force and Validity, to bind,
 “ limit, restrain and govern all Persons, their Rights
 “ and Titles, that in any-wise may or might claim
 “ any Interest or Possibility, in or to the Crown of
 “ *England*, in Possession, Remainder, Inheritance,
 “ Succession, or otherwise howsoever, and all o-
 “ ther Persons whatsoever: Every such Person
 “ so holding, affirming or maintaining during the
 “ Life of the Queen’s Majesty, shall be judged a
 H high

“ high Traitor, and suffer and forfeit as in Cases
 “ of High Treason is accustomed. *And every Per-*
 “ *son so holding, affirming, or maintaining, after the De-*
 “ *cease of our said Sovereign Lady, shall forfeit all his*
 “ *Goods and Chattels.*

LETTER B.

Abridgment of this Statute of Treasons in the Common Statute-Books.

“ **I**T shall be High-Treason to intend Destruction
 “ or bodily Harm to the Queen, or to levy War,
 “ or to move others to War against her, or to af-
 “ firm that the Queen ought not to enjoy the
 “ Crown, but some other Person : or to publish,
 “ that the Queen is an Heretick, Schismatick, Ty-
 “ rant, Infidel, or Usurper of the Crown : or to
 “ claim Right to the Crown, or to usurp the same
 “ during the Queen’s Life : or to affirm the Right
 “ in Succession of the Crown in some other than
 “ the Queen : or to affirm that the Laws and Sta-
 “ tutes do not bind the Right of the Crown, and
 “ the Descent, Limitation, Inheritance, or Go-
 “ vernance thereof.”

In this Abridgment there is no mention of what
 is to be done after the Queen’s Decease. Nothing
 of the Penalty upon those who shall then affirm
 that the Sovereign, for the Time being, and his or
 her Parliament cannot limit the Succession. The
 Omission of that part of the Statute has made most
 People

People look upon it as a Temporary Act, especially since those that are still in Force are supposed to be printed at length in the Statute-Books. This has gone a great way to introduce all those Notions of *unalterable* and *indefeasible* in the Business of Succession which have so long distracted us. Queen *Elizabeth* indeed and her Parliament intended only to hold this Law as a Rod over those who promised themselves great Matters from *Mary* Queen of *Scots*, who was then alive and younger than Queen *Elizabeth*. When that Princess was dead, the next Heir by lineal Descent, King *James* I. being a Protestant, the altering of the Succession was never thought of: accordingly he succeeded by Common Law. And then, it seems to have been endeavoured to sink the Memory of this Act of Parliament, which it was not thought proper directly to repeal. For that Reason it was omitted in the Statute-Books, and such an Abridgment only given of it, as might lead Men to think that it was never designed to be in Force after Queen *Elizabeth* was Dead.

F I N I S.

People look upon it as a Temporary Act, especially since those that are still in Force are supposed to be printed at length in the Statute-Books. This has gone a great way to introduce all those Notions of antiquity and inflexibility in the Business of Succession which have so long distressed us. Queen Elizabeth indeed and her Parliament intended only to hold this Law as a Rod over those who promised themselves great Matters from Mary Queen of Scots, who was then alive and younger than Queen Elizabeth. When that Princess was dead, the next Heir by lineal Descent, King James I. being a Protestant, the altering of the Succession was never thought of: accordingly he succeeded by Common Law. And then, it seems to have been endeavored to sink the Memory of this Act of Parliament, which it was thought proper directly to repeal. For that Act was omitted in the Statute-Books, and in the Judgment only given of it, as might be seen. I think that it was never designed to be in Force after Queen Elizabeth was Dead.



